

House Study Bill 46

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON JOCHUM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for special late voter registration to enable an
2 eligible elector to vote at the polling place on election day
3 and providing a durational residency requirement for voting.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1675HC 82
6 sc/es/88

PAG LIN

1 1 Section 1. Section 48A.5, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 3A. If a person is registering under the
1 4 provisions of section 48A.9A, the person shall be a resident
1 5 of the county in which the election is held for ten days
1 6 immediately preceding the election, subject to the provisions
1 7 of subsection 3 and section 48A.27, subsection 2, paragraph
1 8 "a", subparagraph (3).
1 9 Sec. 2. Section 48A.9, subsection 1, Code 2007, is amended
1 10 to read as follows:
1 11 1. Registration closes at five p.m. eleven days before
1 12 each election except primary and general elections. For
1 13 primary and general elections, registration closes at five
1 14 p.m. ten days before the election. An eligible elector may
1 15 register during the time registration is closed in the
1 16 elector's precinct but the registration shall not become
1 17 effective until registration opens again in the elector's
1 18 precinct unless the elector obtains an affidavit of special
1 19 late registration as provided in section 48A.9A.
1 20 Sec. 3. NEW SECTION. 48A.9A SPECIAL LATE REGISTRATION.
1 21 1. Notwithstanding the voter registration deadlines in
1 22 section 48A.9, an eligible elector may register in person to
1 23 vote on any day after registration has closed in the elector's
1 24 precinct, including on election day.
1 25 2. The commissioner shall record the information required
1 26 of an eligible elector on the election register for the county
1 27 precinct of the eligible elector or shall provide a separate
1 28 listing of the information required of an eligible elector to
1 29 the county precinct of the eligible elector who registers in
1 30 person at the commissioner's office or at any alternative
1 31 location designated by the commissioner for special late
1 32 registration on any day after registration has closed in the
1 33 elector's precinct, including on election day.
1 34 3. a. If the commissioner is unable to make available to
1 35 a county precinct the information required of an eligible
2 1 elector who registers through special late registration
2 2 procedures, on the election register of a county precinct or
2 3 through the provision of a separate listing of the eligible
2 4 electors who register through special late registration
2 5 procedures, an eligible elector may obtain from the
2 6 commissioner of registration an affidavit form in a format
2 7 prescribed by the state commissioner of elections to serve as
2 8 evidence of special late registration. If the affidavit is
2 9 completed by the elector and notarized by the commissioner of
2 10 registration, the elector is deemed registered under special
2 11 late registration procedures and may present the affidavit at
2 12 the elector's polling place on election day as proof that the
2 13 elector is registered to vote. The election officials of the
2 14 elector's precinct shall accept the elector's affidavit of
2 15 special late registration and shall proceed as if the
2 16 elector's name were listed in the election register.
2 17 b. The election officials shall preserve all affidavits

2 18 submitted pursuant to this section and forward them to the
2 19 commissioner of registration at the time the election register
2 20 is returned. A registration under this section is subject to
2 21 verification as provided in section 48A.26.

2 22 4. The commissioner may designate alternative locations,
2 23 in addition to the commissioner's office, to provide access to
2 24 special late registration procedures. The commissioner shall
2 25 designate each polling place as a special late registration
2 26 location. At the polling place, the commissioner or an
2 27 employee of the commissioner shall process special late
2 28 registrations at a table separate from the precinct election
2 29 officials, in order to reduce congestion at the polling place
2 30 and to avoid discouraging voters from casting a ballot.

2 31 Sec. 4. Section 48A.11, subsection 1, paragraph c, Code
2 32 2007, is amended to read as follows:

2 33 c. The address at which the registrant resides and claims
2 34 as the registrant's residence for voting purposes. The
2 35 commissioner may require proof of residency if the registrant
3 1 is registering pursuant to section 48A.9A. The state
3 2 commissioner of elections shall designate which documents are
3 3 acceptable to show proof of residency.

3 4 Sec. 5. Section 48A.26, subsections 1 and 6, Code 2007,
3 5 are amended to read as follows:

3 6 1. Within seven working days of receipt of a voter
3 7 registration form or change of information in a voter
3 8 registration record the commissioner shall send an
3 9 acknowledgment to the registrant at the mailing address shown
3 10 on the registration form. However, in the case of special
3 11 late registrations, the commissioner shall send the
3 12 acknowledgment within ten days of receipt of the special late
3 13 registration. The acknowledgment shall be sent by
3 14 nonforwardable mail.

3 15 6. If the acknowledgment is returned as undeliverable by
3 16 the United States postal service, the commissioner shall
3 17 follow the procedure described in section 48A.29, subsection
3 18 1. However, if the acknowledgment mailed for a special late
3 19 registration is returned as undeliverable by the postal
3 20 service, the commissioner shall cancel the registration and
3 21 shall immediately notify the state commissioner of
3 22 registration and the county attorney.

3 23 Sec. 6. Section 48A.26, Code 2007, is amended by adding
3 24 the following new subsection:

3 25 NEW SUBSECTION. 1A. Within ten working days after
3 26 receiving a special late registration pursuant to section
3 27 48A.9A, the commissioner shall send an acknowledgment to the
3 28 registrant at the mailing address shown on the registration
3 29 form. The acknowledgment shall be sent by nonforwardable
3 30 mail.

3 31 Sec. 7. Section 48A.30, subsection 1, Code 2007, is
3 32 amended by adding the following new paragraph:

3 33 NEW PARAGRAPH. g. The acknowledgment of a voter who
3 34 registered to vote under the special late registration
3 35 provisions is returned pursuant to section 48A.29, subsection
4 1 1 or 3.

4 2 Sec. 8. Section 49.77, Code 2007, is amended by adding the
4 3 following new subsection:

4 4 NEW SUBSECTION. 6. A person whose name does not appear on
4 5 the election register of the precinct and who registers under
4 6 section 48A.9A shall be allowed to cast a ballot and the
4 7 precinct election official is not under a duty to require that
4 8 the ballot be cast under section 49.81.

4 9 Sec. 9. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 10 3, shall not apply to this Act.

4 11 EXPLANATION

4 12 This bill provides for a special late voter registration
4 13 procedure which would enable an eligible elector to vote at
4 14 the polling place on election day. The person is required to
4 15 have been a resident of the county in which the election is
4 16 held for 10 days immediately preceding the election. The
4 17 person is also required to show proof of residency when
4 18 registering. The state commissioner of elections, i.e., the
4 19 secretary of state, shall designate which documents are
4 20 acceptable to show proof of residency.

4 21 The bill provides for the issuance of special late
4 22 registration affidavits to serve as proof of voting
4 23 eligibility if the county commissioner of registration is
4 24 unable to make the information required of an eligible elector
4 25 available on the election register of a county precinct.

4 26 The bill requires the county commissioner to mail
4 27 acknowledgment to the late registrant within 10 days of
4 28 registering. If the acknowledgment is returned as

4 29 undeliverable by the postal service, the commissioner is
4 30 directed to cancel the registration and immediately notify the
4 31 state commissioner of registration and the county attorney.
4 32 The bill may include a state mandate as defined in Code
4 33 section 25B.3. The bill makes inapplicable Code section
4 34 25B.2, subsection 3, which would relieve a political
4 35 subdivision from complying with a state mandate if funding for
5 1 the cost of the state mandate is not provided or specified.
5 2 Therefore, political subdivisions are required to comply with
5 3 any state mandate included in the bill.
5 4 LSB 1675HC 82
5 5 sc:nh/es/88